

From: Michael Pakovic
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To Whom it May Concern:

First, let me state that I am not currently, nor have I even been, an employee of Microsoft, or any of its competitors. I have a Bachelors degree in Electrical Engineering, and I am presently the Lead Engineer on the S-3B Program for Computer Sciences Corp. My expertise is in operating system and application design..

Listed below are a few of the major issues I have with the settlement.

- * Microsoft shouldn't have the right to appoint a representative to the Technical Committee ("TC"). This committee's responsibility is to ensure Microsoft's compliance with the Settlement, which resulted from their anti competitive business practices, and as such, should consist of three Plaintiff selected members.
- * Microsoft can continue to make OS API changes and provide them internally to their application developers long before they provide them to third party developers. As proposed in the settlement, the API information must be made public before the last BETA release of a new Windows Operating System Product. This conceivably might give third party developers a very short period of time (a day?) to analyze the API and develop software to take advantage of any new OS enhancements. This will put third party developers at a distinct disadvantage, and will continue the Application Barrier to Entry ("ABE").
- * There are many loopholes in the settlement which will inevitably lead to further court proceedings. Microsoft has endeavored to stretch out the court proceedings as long as possible, and this agreement will allow them to continue with that practice.
- * Lastly, Judge Jackson's Findings of Fact found a large number of anti competitive practices, and the proposed settlement, while attempting to prevent future anti competitive behavior, does nothing to correct the unjust gains Microsoft has accrued as a result of their practices. Internet Explorer has almost totally displaced Netscape. Microsoft Office has almost totally displaced Word Perfect Office. Even with the publication of the Windows API's, no other Office suite will be able to compete with Office - the user base is just too large. Only by giving Microsoft incentive to port their current applications to competing operating systems, will the ABE be removed.

In conclusion, the only effective way to remove the ABE, and promote fair competition, is to separate Microsoft into two companies. An operating system company which will continue to produce the Windows

Operating System, and an application company which will produce Office and Microsoft's other applications. This arrangement will remove the advantage Microsoft application developers have over their third party counterparts, and will give the application company incentive to port Microsoft applications to other operating systems. I recommend the proposed settlement be rejected, and that Judge Jackson's judgment be enforced.

Sincerely,

Michael Pakovic
Lead Engineer, Computer Sciences Corp.